

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIANE JULIA WYLIE,

Plaintiff,

- against -

BEDFORD HILLS CORRECTIONAL FACILITY OF  
THE STATE OF NEW YORK, DR. KRAMER,  
NURSE ROBERTS, OFFICER GENTILE, and  
CENTRAL NEW YORK PSYCHIATRIC CENTER,

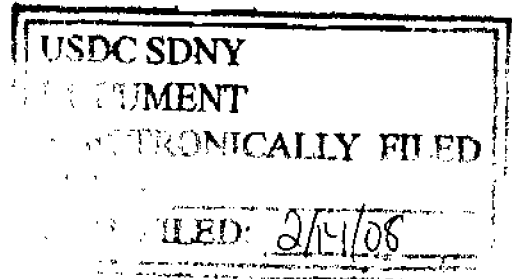
Defendants.  
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DOUGLAS F. EATON, United States Magistrate Judge.

1. On February 13, 2008, I held my Initial Case Management Conference, with AAG Daniel Schulze in my chambers and Ms. Wylie on the telephone.

2. Ms. Wylie confirmed that she has received copies of the dismissal motions that AAG Schulze made to Judge Cote on behalf of the Central New York Psychiatric Center and Nurse Roberts. I informed her that she would soon be receiving a copy of AAG Schulze's 2/11/08 dismissal motion on behalf of Bedford Hills Correctional Facility and Officer Gentile. I noted that the one other defendant, Dr. Kramer, has made no dismissal motion and instead has filed an Answer to the Complaint.

3. Ms. Wylie said that she will probably consent to dismissal of her Complaint as to Nurse Roberts, but that she will probably oppose some or all of the other three defendants' dismissal motions. At Ms. Wylie's request, I granted her an extension until **March 31, 2008**, to serve and file her response to the dismissal motions. I directed her to send Judge Cote a **single document** (not a series of letters) with a certification that she has mailed copies of it to AAG Schulze and to the Pro Se Office. The document should be entitled "Plaintiff's Response to the Dismissal Motions." It should begin by telling Judge Cote if plaintiff consents to dismissal of her Complaint as to any specific defendants. Then it should focus on the arguments made by the other defendants. It should not focus on Dr. Kramer, because he has not moved for dismissal. Defense counsel must serve and file any reply by April 16, 2008.



07 Civ. 6045 (DLC) (DFE)

MEMORANDUM AND ORDER

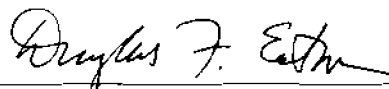
This is not an ECF case

4. I advised Ms. Wylie that the Southern District of New York has no jurisdiction over any challenge to her conviction and sentence, because those occurred in Buffalo. See *People v. Wylie*, 756 N.Y.S.2d 801 (4th Dept. 2003), leave denied, 763 N.Y.S.2d 825 (June 16, 2003). On other hand, I advised her that the Southern District of New York does have jurisdiction over her allegations of improper treatment.

5. By February 21, 2008, AAG Schulze shall mail blank authorization forms to plaintiff authorizing the release to his office of all records concerning medical and dental treatment of Ms. Wylie. I direct Ms. Wylie to sign those forms in front of a notary public and to mail them promptly to AAG Schulze. At any time more than 30 days after she mails those forms, Ms. Wylie may, if she wishes, make a dispositive motion (which should be addressed to Judge Cote) and/or a motion to compel discovery (which should be addressed to me, and should not be made until 40 days after Ms. Wylie has sent AAG Schulze a written request for the specific discovery).

6. Whether or not any motions are still pending, defense counsel may take the deposition of Ms. Wylie, preferably before March 31, 2008. I have told Ms. Wylie that I will assume that she objects to each question, and that I will allow her to press those objections after she receives the transcript. Accordingly, I directed her to voice no objections during the deposition, and to answer each question.

7. Ms. Wylie may send AAG Schulze up to 25 written questions to be answered by Dr. Kramer. By July 30, 2008, the parties must complete all discovery related to the claims against Dr. Kramer.



DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
Fax: (212) 805-6181

Dated: New York, New York  
February 14, 2008

Copies of this Memorandum and Order are being sent by mail to:

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00-G-0602  
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Hon. Denise L. Cote